IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.130 OF 2008

Laxman Saheb Bhilare .. Petitioner

Versus

The Collector, Satara & Ors. .. Respondents

WITH

WRIT PETITION NO.145 OF 2008

Arvind Kadam .. Petitioner

Versus

The Collector, Satara & Ors. .. Respondents

WITH

WRIT PETITION NO.147 OF 2008

Kisan Veer Satara Sahakari

Sakhar Karkhana Ltd. .. Petitioner

Versus

Minister, Cooperation & Ors. .. Respondents

Mr.A.Y.Sakhare, Senior Advocate i/b.YKS Legal for petitioners in W.P.130 and 145 and for respondents in W.P.147
Mr.N.V.Walawalkar, Senior Advocate for respondents in W.P.130 and 145
Mr.Appasaheb Desai for petitioner in W.P.147/07

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th January 2008

P.C.

. These three matters pertain to the election to the board of Directors of Kisanveer Sahakari Sakhar Karkhana (for short Karkhana).

2. Orders under challenge are passed during

the course of finalisation of the list of voters. Category of voters include individual members and society members. Their inclusion is subject matter of challenge in these petitions.

3. In the first petition being W.P.130 of 2008, the grievance pertains to about 3373 members who are individuals being part of the voters' list. In other words, inclusion of their names in the voters' list is the subject matter of challenge.

4. During the course of arguments, Mr.Sakhare, learned Senior Counsel has invited my attention to section 26, 27(3)(A) and Rule 19 of Maharashtra Cooperative Societies Rules and By-laws of the Karkhana together with audit report, copies of which are handed in. He has also handed in copies of vouchers which are referred to in the audit report, which would evidence, according to him, that the amounts

which are required to be paid with regard to the membership have been paid by these persons much after the resolution and much after the cut-off date i.e. 21st January 2006. To be precise, the amounts are paid on 31st March 2006.

5. Mr.Walawalkar, learned Senior Counsel for first respondent has disputed this position. He submits that the karkhana without prejudice to its contention with regard to maintainability of the writ petition, would file an appropriate affidavit pointing out that the factual position is not as contended by Mr.Sakhare. He submits that the resolution approving membership are passed way back in 2004 and the amounts are paid phase-wise or in instalment. It is only credited in the Society's Account at the year end i.e. 31st March 2006. He prays for time to file affidavit to substantiate and prove the above contentions. At his request, S.O. one week for filing affidavit.

6. This is the position also with regard to 24 society members whose inclusion is opposed by the learned Advocate A.S.Desai. Mr.Sakhare appears for some of the individual members whereas Mr.Walawalkar appears for Karkhana. It is open for the Karkhana to file affidavit in this matter as well. All three matters to appear on 18th January 2008, H.O.B. In the meanwhile, parties to exchange their respective affidavits.

(S.C.Dharmadhikari, J)